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STATEMENT

OF SOME

RECENT TRANSACTIONS

IN THE

SOUTHERN REFORMED PRESBYTERY,

ADDRESSED TO THE

MEMBERS OF THE REFORMED PRESBYTERIAN CHURCH

AND

THE CHRISTIAN COMMUNITY

AT LARGE.

BY SEVERAL MINISTERS OF THE SOUTHERN PRESBYTERY.

NEW-YORK;

PRINTED AT THE GREENWICH PRINTING OFFICE,
118 BARROW STREET.

1883.

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BY SPECIAL APPOINTMENT OF THE SOUTHERN PRESBYTERY.

NEW-YORK:

PRINTED AT THE GREENWICH PRINTING OFFICE,
115 NASSAU STREET.

1863.

STATEMENT, &c.

When the bonds of mutual confidence have been greatly impaired and almost, if not entirely dissolved, and the reasonable expectations of mutual support in personal character and the prosecution of duty have failed, it becomes a natural and unavoidable course to resort to other than ordinary means to obtain redress. Impelled by these considerations, some of the ministers of the Southern Reformed Presbytery, whose names are subscribed, have deemed it an act of justice to themselves, and to the many respectable individuals connected with them in recent transactions within the bounds of the Presbytery, to lay before their brethren throughout the same church, and any of their Christian friends to whom this publication shall appear worthy of perusal, what, it is hoped, will be found, at least, a correct statement of these transactions. And they are induced to take this method, the rather, that several of the parties deeply interested in these transactions have under their direction a monthly periodical, the American Christian Expositor, the pages of which have been very liberally employed in making representations, both of actions and character, greatly failing in candour and impartiality.

In the month of April 1832, the members of the Eastern Sub-Synod, convened in the city of New-York, to organize themselves into an ecclesiastical Court, appointed by act of the Synod of the Reformed Presbyterian Church, and to proceed to such business as should come before them. At that meeting twenty-six members were present, ministers and ruling elders; a number, which although it does not constitute a full representation of all the congregations settled and vacant in the bounds of the Synod, will be admitted to be as great as any ordinary circumstances will convene, especially when it is con-

sidered that it had the interest of being the first meeting, and that, as there is great reason since to believe, the minority must have anticipated a measure of no ordinary importance. At that meeting a document, called a Pastoral Address, was proposed for the adoption of the Court by a special committee, in which it was deemed by a majority, there were principles subversive of the established doctrine and order of the Reformed Presbyterian Church; and besides, invidious and slanderous allusions to the personal character of one, or of some of the ministers of that Church. The passages containing these erroneous principles and personal allusions were rejected, and with a plain, and rather warm declaration, of the decided disapprobation of the court. Shortly after its adjournment, the minority published the original address, with the obnoxious and rejected paragraphs, and notes appended, greatly aggravating their offensive and censurable character. Several of the ministers of the Synod deeming this a procedure indicative of disorder and contempt, as well as injurious to the character of the parties whose reputation was assailed, applied to the moderator of the Synod for the call of a pro-re-nata meeting, to take such order as the circumstances might require: in which application they were sustained by the request of two Presbyteries. The request was complied with, and at the call of the moderator, a very large majority of the members of the former court, assembled in the city of New-York, in November last, and were constituted, and the reasons of the meeting sustained; the only original members who absented themselves consisting of some who were implicated in the transaction which occasioned the meeting, and one or two concurring with them in opposing it by a *protest*.* The Synod, notwithstanding, proceeded to consider the objects of the meeting, and in the prosecution of the business, deemed it necessary to refer to the minutes of the former sessions in New-York. The Clerk, the Rev. John N. McLeod, one of the protesting parties, refused the papers of the Synod, pronouncing it, in his reply, an "illegal assembly." The

* This protest it should be known was presented by *absent parties*: an extraordinary procedure at least, if not wholly irregular, and many of the same members, who then pleaded a long journey in the inclement and inconvenient season of the year as a reason of a protest, took insuccession the same journey, at a much more advanced period of the same season, at a much shorter notice, to the same place, but for very different business.

members of the Synod, however they were disposed to bear with the harmless, though indecorous and irregular protest of their absenting brethren, could not allow themselves to bear with an avowed and practical contempt of a court, constituted in the name of the Lord Jesus Christ, regularly convened, if there are any established principles of ecclesiastical order, moderated by the oldest minister of the Church (the Rev. Wm. Gibson), and composed of at least, some ministers and ruling elders, whose age, intelligence, piety and long attachment to the Church, merited a better consideration. Mr. McLeod was therefore cited by Synod before its bar to answer for the charge of contempt and disobedience: thrice cited, thrice the same answer in substance was given, and in conclusion the Rev. J. N. McLeod was by the Synod suspended from the exercise of the office of the holy ministry.

It is not the object of this publication, to vindicate the measures of the Synod—they are subject to the revision of the superior judicatory of the Church, and to that for the present we submit them. But whatever may be thought of this particular act, the suspension of a young man for a deed, insolent in its nature, and unnecessary to maintain his protest, the vengeance which shortly followed, was surely unprecedented in a Christian Church, and altogether disproportioned to the crime supposed or real. For in the short space of a few weeks immediately after this transaction, no less than six officers of the Church, ruling elders and deacons, and about one hundred and thirty private members, under the general denomination, of “adherents,” were, by deed of Rev. Dr. McLeod and his session, in rapid succession, expelled from office, and excluded from the communion of the Church, for daring to disown and decline the ministry of the Rev. John N. McLeod, while under the act of suspension. Of this surely it may be said, “the driving is like the driving of Jehu the son of Nimishi, for he driveth furiously.” We proceed to a more detailed narrative of these circumstances.

On the sabbath after the act of suspension had passed, the Rev. Mr. McLeod, introduced by his father the pastor of the congregation, appeared as usual, and took his place in the pulpit of the church in Chambers-street. As soon as he arose and commenced the solemnities of public worship, a great number

of the members of the congregation left their seats and withdrew from the church, expressing silently, decorously, but distinctly their dissatisfaction, their grief and displeasure at seeing the authority of the church, so openly, unnecessarily and wantonly contemned, and a suspended minister occupying in defiance of all order and propriety a pulpit, to which they looked for instruction and example so much the reverse. It is useless to say that the parties concerned, were not formally apprized of the deed of the Synod, and therefore allowed Mr. McLeod to preach. Individuals who had avowedly declined and denounced the meeting and the proceedings of that court, had forfeited their right to a formal communication of its deeds, and to any other knowledge of its measures than the effect of these measures themselves, and channels of intelligence common to themselves, with others not immediately pertaining to that Synod. Such was the situation of Dr. McLeod and his son. And although the Synod, as an act of courtesy to the session of the Church, had directed the clerk* to communicate the act in relation to Mr. McLeod, the circumstances of that session, and the disposition manifested by the pastor of the congregation, make it a very plain case, that the object of that communication, was not to give intelligence which might otherwise not be obtained, or to gain submission and obedience, which might in ignorance have been withheld. Hence the clerk did not make an immediate communication, to announce which, under all the circumstances of the case, for the purpose of communicating information could have been in that community, little wiser than to publish in a Christian magazine, the message of the President to Congress weeks after it had been printed throughout the nation in more than one thousand newspapers. No ; ignorance in the premises could never be seriously pleaded as the reason of this insult to a court of Christ, and to the feelings of a Christian congregation. Had that been honestly the ground of this procedure, a decent regard to public rumour in the

* The motion to make this communication was proposed by the clerk himself, and not being directed by Synod to hasten it, and no way disposed to imagine from what had been evinced by the parties concerned, from the opening to the close of the Synod, that the information would be received with even decent respect, he sent it at his leisure by the first secure opportunity, that a formal intimation at least, of the fact, might be in possession of the minister and elders of that Church.

case would have caused at least delay, and when the intimation was given, as it was very soon after, a disposition would have been shewn, not to persist in a procedure capable of no other construction, than open contempt or direct rebellion. The facts in the case were as well known to Dr. McLeod and his elders, as to those who withdrew from the ministry of his son, on that morning memorable in the history of that Church; and it is well known that those who remained had their time and attention occupied almost wholly in hearing edifying and comfortable reasons given, why a suspended minister should continue to preach, and they continue to hear.

Those members, who in considerable numbers, and from circumstances since, it appears they amounted to not much less than one hundred, and probably more; those members it has been said silently and decorously withdrew. Convinced by having been many of them present during the sessions of Synod, the crowd attendant on which had during the whole of its session been unusually great; convinced also, that all the parties concerned were as well apprized of the act of Synod as themselves, they acted, as there is every reason to believe from the long established and well known character of most, at least, of the withdrawing members, from a conscientious subordination to a superior judicatory, to which they had sworn obedience in the Lord, and would take no part in pouring contempt upon its proceedings, or rebelling against its authority. When they had reached the street and were assembled about the steps of the Church, in doubt as to the course they should take, they were advised by the elders, who had withdrawn with them, to retire without delay, lest their numbers should excite attention, and create disturbance, and to repair to their society meetings or to the public worship of God in the other congregation. This advice, it is believed, the greater part, if not all, immediately complied with; and their opponents are challenged to prove a single expression of contempt, in word or deed—a single act of disturbance, other than that necessarily attendant on a large number of persons simultaneously withdrawing from the Church—a single act of disorder, other than that of retiring from public worship, when conducted by a minister of the gospel, whose ministrations they then, and justly, esteemed unlawful. And it is believed, that neither the charge of contempt,

disturbance, or disorder, will in the present instance be sustained by enlightened public opinion, by a well ordered judicatory of a Christian Church, or by the high court of Him, who presides over the concerns of men, and regards the most secret actions of their souls to give to every one as his work shall be.

In the course of the following week commenced the work of vengeance and desolation, in the adoption and prosecution of measures, the only ones yet within their reach, but we hope unheard of in a decent Christian Community. At several of the society meetings, those members of the Church, who had withdrawn on the preceeding Sabbath from Mr. McLeod's Ministry, were informed in some instances by the ruling Elders, in other instances by unofficial organs, that they were no longer to consider themselves entitled to worship in the Societies, or to join in the accustomed duties of Christian fellowship in prayer, praise, reading the Scriptures and mutual instruction. There was no known deed of session suspending from the communion of the Church, no citation, no form of trial, no intimation of crime had preceded—nothing was pleaded but a vague assertion of the act of Session for the measure. No written formal communication of its deed was given—they forgot in their own case, and in the censure of great numbers, what they had so busily required in another case and the censure of one man. Aged members, females, young Christians, were compelled by an unknown act of Session, unceremoniously announced, to endure the contumely and scandal of being expelled from the societies to which they were accustomed to resort for the worship of their God. Some honourable exceptions there were indeed, of men, who, even while they continued their adherence to Dr. McLeod and Session, refused to take part in this unholy procedure—but it is believed that these exceptions were in the case of men who have been since compelled to rally under the same banner with their injured brethren. The only ground for this irregular and indiscriminate expulsion, was the high offence of refusing to hear a discourse from the Rev. John Neal McLeod, whom they believed to be duly suspended from the exercise of his office—in other words they could not and would not bow the knee to an idol which it was determined should be set up and honoured in the pulpit of Chambers-street Church.

This extreme jealousy respecting Mr. McLeod manifested

by the Pastor and some others possessed of power and influence in the congregation, serves to throw light on a preceding measure which now requires notice and is itself fully explained by the extraordinary circumstances which have since transpired and which will shortly be noticed in this narrative. At a meeting of the Southern Presbytery held in April 1832, about the same time with the first meeting of the Eastern Subordinate Synod already mentioned, Dr. McLeod, without any formal deed of his session or Congregation, requested and obtained of Presbytery permission to ask for supplies for his pulpit, then often vacated by his indisposition, from the Synod then or soon to meet. The object of this application was obviously that these supplies should *not* be appointed by the Presbytery, and that *none of its members* should be sent to preach in Chambers-street Church: the application and consequent arrangement in the Synod explained the affirmative part of the object. Mr. McLeod, then settled at Galway, was appointed by Synod to supply the pulpit, "for two or three months during the illness of his father."* To this measure of passing over the heads of the Presbytery to get the business into Synod, the Presbytery itself made no objection, although it appeared a little strange, and was supposed by those inclined to the most charitable judgment, that it arose from a conviction of the want of adequate means in that Presbytery to furnish all the supplies that congregation required. Some may have since surmised that it was caused by a suspicion that some of the members of that court might have possessed minsiterial endowments of a nature to obscure the talents of the intended incumbent, and that some also of their number might have been actuated by an ambition so daring as to contest with him a place in the attention of the people as a candidate for the office afterwards to be created, of assistant Pastor and Successor to Dr. McLeod. However this may have been, Mr. McLeod was sent as has been mentioned—his own congregation was left to look for other ministrations than

* The precise term of this appointment is disputed and perhaps was left uncertain, whether for "two or three months during the illness of his father," or indefinitely, "during the illness of his father," is not generally known. Perhaps it may be said, that it is a matter of no concern except to the parties; and so say we. But truth compels us to mention, that one of the parties immediately concerned, was the congregation to whom he was sent, and they were not consulted before nor since respecting this permanent supply.

of its recently settled pastor, and he was employed in steadily ministering to a people who had never expressed a wish to have so large a share of his time and attention, and who had never been asked whether they concurred in the measure. The Presbytery by this measure found themselves in the situation of having a congregation within their bounds, with whose wants, or circumstances, or proceedings, they could have little concern. Of the congregation, it is to be supposed some approved, and many it is now known unwillingly acquiesced from regard to the feelings of their pastor and submission to the authority of a superior judicatory of the Church.

In this state things remained, until the following Autumn. It then began to be circulated through the congregation, that it would be desirable in the present situation of the Pastor, unable by illness and infirmity to discharge his public duties, to institute a collegiate charge and appoint an assistant Pastor.

The people had not expressed any unwillingness to continue the wonted support of Dr. McLeod in fulfilling their pecuniary engagements; but for this measure the majority were not prepared. They were willing in addition to incur the expense of supporting such supplies of preaching as were needful, but desired that in these supplies their own wishes should be consulted. Many had become wearied with Mr. McLeod's ministrations and wished a change. Twice in succession the Congregation had respectfully petitioned the Pastor and Elders of the Church, to request supplies of the southern Presbytery from whom they had now been so strangely in fact separated—but their petition though in profession and promise attended to, was in the event neglected. No such request was ever presented to Presbytery, although the pastor himself attended a meeting held in Newburgh, soon after he had given to the petitioners a promise to lay their request before that court. The project of the assistant Pastor now became more formally urged, and the advocates of the plan having arranged their measures, a meeting of the congregation was called on the 18th of Sept. 1832, to consider its propriety. On a vote affecting the proceedings of the congregation in the question, it was found to the surprise of the opposing party, that persons who had never before in those meetings been considered eligible to vote, were now admitted to that privilege; and a considerable number of

females and younger members who had heretofore been considered as represented by the vote of their husbands or parents, appeared and voted. At a second meeting, at which it was renewed, the opposing members also proceeded on the principle of voting recently introduced with other *new light*, and by a considerable majority put at rest, as they thought, this much vexed question. In fact it was no more heard of in any open measures of the people of that congregation. Other circumstances gave rise to other measures; and the suspension of Mr. McLeod by the Synod at its second meeting in November already mentioned, furnished to the defeated minority other means of accomplishing a communication so devoutly to be wished for, as the collegiate charge, the installation of John Neal McLeod, and the lasting disappointment of all ambitious and aspiring looks after the pulpit in Chambers-street—and these means it now appeared were to suspend, exclude, and expel one by one, or all together, every man woman and child who should raise a tongue in opposition.

And by the practical excommunication as we have seen of great numbers from society meetings, this system commenced at once avenging the injury done to Mr. McLeod, excluding the church members from their vote in congregational meeting, and securing his settlement in the end. Perhaps they have reckoned without their host. Certainly they ought to have considered that “the wrath of man worketh not the righteousness of God.”

About ten days after the suspension of Mr. McLeod, during which period he had presided at meetings of sessions although opposed by some of its members who protested against such a procedure, and had also ministered as usual in public, the sacrament of the Lord's supper was dispensed to the congregation, notwithstanding its unhappy state, distracted and divided by the proceedings of its pastor, and the intrusion of Mr. McLeod. At a meeting of the Session, held on the Friday immediately preceding, and which was constituted by the Rev. Dr. Mc Masters, who about a fortnight before had declined attending Synod on account of the lateness of the season, and badness of the roads, an act of censure was passed against three ruling elders of the congregation, Messrs. William Acheson, Hugh Galbraith, and William Cowan, and those who had with them

departed from the public worship on the sabbath morning, Nov. 25, under the general denomination of "their adherents." This deed of session, although Dr. McMaster had presided in the constitution of the court, was pronounced by Dr. McLeod their pastor; and by it he excluded from the communion of the symbols of the broken body and shed blood of their Saviour, a large number of his flock, as well as several of his brethren in the eldership of the Church, some of them long and tried friends—for no other reason than the one which prevails throughout all their measures, the refusal to hear his son, Mr. McLeod, after his suspension by the Synod. And there was something hasty in the manner: for, after the censure was pronounced, they were told they might now go where they pleased, or in words to that effect; adding, what at least, had the appearance of insult to injustice. It is certainly a remarkable incongruity in the character of the minister, Dr. McMaster who presided in the moderation of the session, that he would by his presence, sanction and authorize a procedure of a character so violent, so utterly at variance with his known sentiments on subjects of this nature, and so unlike, it may be added, to his own government in his own session and congregation, in the long course of his pastoral duties. But the unhappy state of that congregation seems to have broken up all order and consistency in individual character, and public proceedings. For at the very same sacrament, held amongst the confusion created by the presence of a minister under public suspension from his ministry, the excited feelings of a divided people, the suspension, of perhaps, of a majority of the whole number of communicants—this session admitted to the communion an individual already under censure in another congregation, in a case which had produced violent and extensive excitements, and which was yet under an appeal to a superior judicatory of the Church.

Not very long after this occurrence, the session of the same Church called before them, Hugh Galbraith, William Cowan, John Culbert, and J. Thompson, the first two ruling elders, and the last deacons, on a libel, charging them in part with the offence of contesting the seat of Mr. Andrew Gifford, as an elder in that Church, endeavouring to represent them as actuated by avaricious motives, and some of them as guilty of disorder in

the act already mentioned, and for which the others had been previously censured. So far as it regards Mr. Gifford, their attempt to question his seat in the session, was founded on the equitable and well known principles, that no officer of any one congregation, having formally taken his certificate and joined himself to another, can resume his office afterwards in the congregation he had left without a re-election by the people. And there is reason to believe that such was Mr. Gifford's situation. He had some time since been connected with the congregation in Sixth-street, as elder and member of session, had taken part in the meetings and business of the congregation, had so late as March 4th 1831, been present as member of session, as appears by the records, both of the congregation, and session, and had afterwards returned and resumed his seat in the session in Chambers-street, without even a certificate from the Sixth-st. Church, or a vote by the people to whom he thus returned. As this question is yet to be settled by a superior court of the Church, to which it is referred, no more can now be said, than that these facts will surely be admitted as reasonable grounds of questioning the propriety of Mr. Gifford's seat in the session, and his right to act as elder. And this circumstance, together with the existing reference of the matter, at once shews the irregularity and vexatious nature of the libel and leaves nothing in the charge but the one now common in all proceedings.

The elders nevertheless, appeared; but to their surprise and mortification, found that Mr. McLeod was presiding as moderator of the session, although his father, the pastor of the congregation, was present, and from the active part he took in the whole proceedings, gave evidence of no want of bodily strength or mental activity to fulfil the office which he had devolved on his son. This procedure the accused persons could not submit to, and declined being tried by a court, the presiding officer of which was himself under suspension from the exercise of his office. At the same time they repeatedly declared themselves ready to go on with their trial, and earnestly and respectfully implored of their pastor and brethren in office, by whom they were to be tried, that this stumbling block should not be thrown in their way, declaring that they acknowledged the ruling elders present, as elders of the Church, Dr. McLeod as their pastor, and only desired that he should himself open

the court with the accustomed prayer, and occupy the station into which his son had so unnecessarily been placed. But their expostulations and entreaties were disregarded, and they were required to withdraw from the room while the session considered their case. And in the course of the same evening, the merits of the libel on which they were cited, it appears being dropt, they had their names stricken from the rolls as officers and members of the congregation, and were in an address of some length and considerable vehemence by the Rev. Dr. McLeod, expelled from the communion of the Church, "in the name of the living God, and the blessed Trinity;" a measure it is believed both in substance and form, unknown in the proceedings of the Reformed Presbyterian Church.

These extraordinary proceedings produced, as may well be supposed, considerable excitement. The injured parties appealed, and the congregation drew up remonstrances to the pastor, to the session, and in conclusion addressed themselves to the Presbytery, petitioning for an early meeting to take their case into consideration. Two ministers of the Church, requesting a meeting, the moderator, the Rev. Mr. Roney, issued the following summons to the several members.

"Sir,

"At the request of two members (Rev. Messrs. Christie, and R. Gibson), I hereby call a meeting *pro-re-nata*, of the Southern Presbytery of the Eastern Sub-Synod, to convene in the Reformed Presbyterian Church, Sixth-street New-York, on the 16th January, 1833, at 10 o'clock A. M., at which time and place you are directed to appear with a ruling elder from your session, to take order on the following items of business, thought to require the early attention of Presbytery, viz,

"1. The disorderly conduct of the Rev. Dr. McLeod, in introducing to his pulpit, and to the administration of a sealing ordinance, John N. McLeod, while suspended from the exercise of the holy ministry.

"2. The conduct of sundry members of the session of the Reformed Presbyterian Congregation of Chambers-street, New-York, in sanctioning the aforesaid disorderly conduct, by recognizing the right of the said John N. McLeod, to officiate ministerially when introduced as aforesaid.

"3. A protest and appeal by sundry members of the session

fore mentioned against the introduction to the moderator's chair in the said session, John N. McLeod, and his being permitted to occupy it while suspended from the exercise of his office.

"4. The conduct of the said session in unnecessarily and unjustly finding a libel against Messrs. Wm. Cowan, Hugh Galbraith, Andrew Bowden and James Thompson respectively.

"5. The conduct of said session in cutting off from the exercise of office, and from membership in the congregation to which they belong, the aforementioned Wm. Cowan, Hugh Galbraith, A. Bowden and J. Thompson.

"6. The deciding upon a question of Church order arising out of the exercise of official power by Messrs. Andrew Gifford, John Tait and Moses Spiers, in the Reformed Presbyterian Congregation of Chambers-street, New-York.

"7. Business necessarily connected with any of the preceding items, or that may arise *de novo* from proceedings thereon.

MOSES RONEY, *Moderator.*"

Newburgh, Dec. 29, 1832.

On this summons the members from a distance repaired to the appointed place of meeting, when to their surprise they learned, that during the interval between the delivery of the summons to attend the meeting and the time of the meeting itself, an event had taken place, as amusing and ludicrous in its nature when considered apart from the character and offices of the personages concerned, as painful and disorderly when their respective standing and relation to the church of God was considered. Dr. McLeod and his congregation had withdrawn from the Southern Presbytery, and had joined that of Philadelphia; and by this last Presbytery, Mr. John N. McLeod had been installed assistant pastor, and successor to his father in Chambers-street; a measure which deserves all the praise of adroitness and activity that the parties could possibly desire. The sight of the summons, and the items of business it presented stirred up all their energies, and quickened every nerve. In the short space of a few days, ten at the utmost, the Western Presbytery must be convened, and Mr John N. McLeod be released from his pastoral charge in Galway; the presbytery in Philadelphia be supplicated by the pastor and session of New-York, to receive them under its protection—Mr. McLeod must

be elected to his destined office, by the free and unbiassed vote of the congregation—and the solemnities of the public installation be completed; and this in such a manner that, until the sabbath afternoon preceding the very day of installation, a very large number of the congregation had no idea of the movement in any of its parts, the most indeed being now under the ban of the Church, were intentionally, it must be supposed, excluded from all knowledge of its proceedings. Secret management must have been practised with no small skill, as it was certainly with great success—and the speed and expedition, with which the express travelling requisite, must have been accomplished, may be fairly put in competition with the achievements of Reeside, the greatest mail contractor of the land. The Rev. Clergy and eldership of a Presbytery, who a few weeks before, had complained as an insufferable grievance to be required to attend the Synod at New-York, at the expense of interrupting their avocations at home, and travelling in a season so inclement, could now be seen in the midst of winter, scouring over Maryland, Pennsylvania and New-Jersey, with all the speed that the modern improvements of steam-boats and rail-roads could afford. And joyful must have been the gratification the meeting afforded, when they arrived in season for *the rescue*. And these the friends, these the sole witnesses for Presbyterial order!

Of these circumstances, for various reasons, we must take but brief notice. Claims are in prosecution before a court of chancery, respecting the rightful possession of the temporalities of the congregation in which their extraordinary measures have been pursued, and the conduct of the parties concerned must be subject to the review of a superior indicatory of the Church. We content ourselves therefore with such a statement of them, as may serve to place our own measures, and those who co-operate with us in such a light as may free us from the condemnation and censure arising from partial representations already abroad.

On the Sabbath afternoon of the 13th of January, the congregation were informed that a meeting would be held the day following, for the purpose of moderating a call for an assistant Pastor and successor to Dr. McLeod, under the authority of the Philadelphia Presbytery. About one hundred members (ninety three of whom afterwards voted,) were prepared for this measure, having given their names to a petition for its accomplish-

ment, which had during the short time previous been discreetly circulated. The rest it is believed were for the most part, completely taken by surprise, and many who had heretofore been unmoved by preceding steps, were indignant and exasperated to find themselves delivered over so unceremoniously from one court to another, and a pastor imposed upon them, whose ministrations they had reluctantly endured. The people assembled according to appointment, and as may well be supposed, with various and conflicting emotions. The first measure was to proceed to the election of a Chairman and Secretary, deeming it within their power to act in a congregational meeting and consider what was expedient in the extraordinary predicament in which they were placed. This was interrupted by the members of the Presbytery now convening and with the Co Pastor elect, attempting to commence the solemnities of public worship. Perhaps it now became a meeting of which it may be said "some cried one thing and some another; for the assembly was confused and the more part knew not wherefore they had come together," and high words may have passed. Men do not like to be trifled with: and however expedient it may have been deemed by the Pastor of the congregation and some of his elders, that they should be embraced by the Philadelphia Presbytery and have Mr. McLeod settled, there were many men of respectable standing in the community, and yet exempt from ecclesiastical censure, who could not be forced into a measure of about eighteen hours notice, and twelve of these, hours of darkness. They therefore justly, though most indignantly and earnestly, resisted and remonstrated against the whole procedure. Officers of the city Police then were, at the request of Mr. McLeod's party, called in to protect them; and although these officers were themselves it appears disposed for a time to be amused with a scene which presented more of the harmless and ludicrous, than of the dreadful or sublime, they were compelled by forms of law, to carry off several persons who had the peace sworn against them, and who were then compelled to enter into bonds for its preservation. These were men, whose past lives had heretofore been of such a nature for a long course of years, to subject them little indeed, even to the suspicion of such an offence—and now their own aged Pastor who had on the morning of that day, sent a notice to the Police

Office to provide for such an event, and some of the elders of the Church must contribute to bring upon them this intentional reproach. But wherever the weight of this reproach falls, it is believed it will sit too lightly to sit long upon such men as John Greacen, Andrew Bowden, William Wallace, James Thompson and some others who were carried from the house of God, where they had for years worshipped their Maker, to the police office, a place with which they were little acquainted. And the degrading scene was now exhibited in a congregation of the Reformed Presbyterian Church, of a minister settled in a pastoral charge by dint of force!!

The ministers of the Philadelphia Presbytery having thus removed and silenced all opposition, proceeded in the business of taking the votes, by calling over the names of such as they deemed competent. Of the names called over, ninety-six in number, it appeared that ninety-three were in favour of Mr. McLeod, who was then pronounced duly elected, and after a very short recess, installed as assistant Pastor and successor of Dr. McLeod. And to this measure they proceeded notwithstanding a writ of injunction from the Court of Chancery had been, during the previous disturbance, served upon the Rev. Mr. Crawford, Mr. McLeod and others, prohibiting their possession and use of the property of the Church. Thus shewing as little respect to the civil authorities of the land, with all the high professions they have recently learned to make on that subject, as they had shown in these measures for the order and authority of the Church.

That Mr. McLeod was not duly elected and installed according to the usages of the Reformed Presbyterian Church, is manifest from the following considerations.—There was not *one days notice* given to the people before the moderation; the constant usage of the Reformed Presbyterian Church, is to give at least ten, usually fourteen—Two hours did not intervene between the moderation and installation; but the constant custom or usage of the Reformed Presbyterian Church, is to give from ten to fourteen days—The moderation and the installation were conducted without the consent or knowledge of the Presbytery to which the congregation properly belonged, or even any request that they should grant them supplies: this is contrary to uniform usage—it was done by a Presbytery trespassing upon

the bounds and jurisdiction of another, as fixed and never yet altered by Synod; which is contrary to the usage of Presbyterian Churches of every name. And finally it was done by a vote of ninety-three members, after having by successive irregular and vexatious proceedings, cast out of the communion of the church and removed by force of civil process from the congregational meeting, about 143 members of the church, including several elders and deacons, for no other reason than their known opposition to Mr. McLeod.

The members of the Presbytery, called to the pro-re-nata meeting, convened at the time and place appointed, and having been constituted by the moderator, and examined the items of business and several documents laid on the table, sustained the call and proceeded to the matters before them. The first document was a letter from the Rev. Dr. McLeod, informing the Presbytery that he was no longer under its jurisdiction, but was subject to that of the Philadelphia Presbytery, and containing a remonstrance against any proceedings relating to him or his congregation. This letter was referred to a committee, consisting of the Rev. David Scott and James Chrystie, and was disposed of according to the following report of that committee, which was adopted in the afternoon of the same day.

“Your committee having duly considered the letter of the Rev. Dr. McLeod, stating that he and his session had placed themselves under the jurisdiction of the Philadelphia Presbytery report as follows.

“That whereas, according to Presbyterian order, the bounds of Presbyteries are fixed by Synodical authority; and no minister and session can without a breach of order, withdraw from the presbytery under whose jurisdiction they have been placed by Synod, without the concurrence of the parties concerned; nor can any Presbytery without a breach of order receive them, without such concurrence and the authority of the superior court; and whereas Dr. McLeod and his session, have not been set off from the jurisdiction of this Presbytery by any superior court. And whereas it appears by *fama clamosa*, that this transaction has been a private and disorderly deed on the part of Dr. McLeod and his session, in uniting themselves to the Philadelphia Presbytery; and on the part of the Philadelphia

Presbytery, a disorderly encroachment on the authority and bounds of this Presbytery, in receiving him and his session under their care.—And whereas it appears also by fama clamosa, that the said transaction has been connected with and followed by various illegal deeds on the part of the said minister and session, and on the part of the Presbytery of Philadelphia.—Such as the recognition of the ministerial administrations of John N. McLeod, while under suspension from the exercise of the office of the Holy ministry by deed of Eastern Sub-Synod, and effecting by artful and violent measures, the election and installation of the said John N. McLeod as assistant Pastor and successor of the Rev. Dr. McLeod, with the irregular exclusion of a great number of the members of that congregation from their church privileges and lawful influence; and in opposition to the will of a considerable majority of its members, who were unjustly excluded from the vote. They therefore recommend to Presbytery the adoption of the following Resolutions.

“Resolved 1st, that no superior court having disjoined Dr. McLeod and his congregation from this Presbytery, they are still under its jurisdiction and subject to its authority.

“2nd. That the Presbytery view with extreme disapprobation, the whole conduct of the Rev. Dr. McLeod and the elders, deacons and others, who have acted with him in this transaction as constituting a violent and disgraceful outrage on church order, contempt for ecclesiastical authority, and disregard of the rights of church members.

“3rd. That Presbytery, content for the present with this expression of their sentiments, refer the proceedings adverted to in Dr. McLeod’s letter to the Eastern Subordinate Synod at its stated meeting in April, to take such order as the conduct of the Philadelphia Presbytery and of Dr. McLeod in the case, may require.

All which is respectfully submitted by your Committee.
(Signed,) DAVID SCOTT, Chairman.”

The next business which occupied the attention of the Presbytery, was embraced in several protests and appeals from the parties already mentioned, as having been subjected to ecclesiastical censure, and a remonstrance and petition for redress from the congregation. These required the examination of

testimony, which now commenced, and was taken under oath, and embraced a great variety of facts, extremely complicated, and demanding considerable patience and attention. It was continued to a late hour in the evening, and resumed and concluded at the close of the following day. The session, although a party in the transactions, having withdrawn itself, by the disorderly act already related, could take no proper share in the investigation, without an acknowledgement of the authority of Presbytery, which it was not disposed to make. Successive attempts were made by two elders of Chambers-street, to get themselves before the court; the object however was plain—it was not to assist in the prosecution of justice, but solely to embarrass and impede the business of Presbytery, by throwing in their irregular protest against all its proceedings in the case. They were consequently denied a hearing, and their disorderly attempt effectually hindered. But in pursuing the business to its close, the Presbytery are satisfied that all impartiality was exercised. The witnesses called on to bear testimony, were indiscriminately chosen from adherents to either party: even an elder of Dr. McLeod's session, and co-operating with them, was called on, and withheld his evidence—only at his own request; and some of the most important information was obtained from individuals opposed to the views of the injured and complaining party. The great variety of circumstances, also, embraced in the testimony, was calculated to perplex and embarrass the minds of some of the witnesses, which, as well as the apparent want of recollection in others, rendered it a work of some difficulty, to obtain from the whole, a clear and succinct account of the facts. This, however, it is believed, has been obtained without even the shadow of a contradiction, except in one single case, and that of an individual, whose character stands too fair to allow the breath of calumny to injure his veracity—and the voluntary, prompt, and full correction and explanation of his testimony soon after, given under the same solemnity, discovered an honorable zeal, to preserve an exact adherence throughout, to truth.*

* This witness was Mr. John Culbert. His testimony had gone to prove, what none of his opponents will deny, that Mr. McLeod had presided in a certain meeting of the session. His only error consisted in connecting that circumstance with another which had occurred at a subsequent time, when Mr. McLeod also presided in the session. His correction given the next morning, was entirely satisfactory and clear.

These documents and evidence, were then referred to a committee, consisting of the Rev. James Chrystie, Moses Roney, and David Scott, and Mr Mc Burney ruling elder. On the following morning, they reported by their chairman, and the report was adopted as follows.—

“The committee, to whom were referred the several papers and accompanying documents, and evidence thereon, respectfully report:

“It appears from an examination of these papers, and the transactions stated in them, that the following circumstances, required the peculiar and deliberate attention of the court, by whom we have been appointed,

“1. That the Rev. John N. McLeod, after having been in a manner the most public and capable of being known to all the parties immediately concerned, suspended from the exercise of the office of the holy ministry, by the Eastern Sub-Synod, at its *pro-re-nata* meeting, in this city, in November last, was, by the pastor of the Chambers-street congregation, allowed to preside as moderator of the session on several occasions, to preach in his pulpit, and assist in the sacrament of the Lord’s supper in that congregation.

“2. That a considerable number of the members of that congregation, including elders, deacons, and private members, submitting to the act of the Sub-Synod suspending the Rev. J. N. McLeod, testified their disapprobation of the conduct of the pastor of the congregation, and the elders, deacons, and others, aforesaid, with him, in recognizing the Rev. John N. McLeod, by either as Church officers, protesting against his officiating, or as members, by withdrawing from the public worship as administered by him, while under suspension.

“3. That these elders, viz. William Acheson, Hugh Galbraith, and William Cowan, together with their adherents, were, on the Friday preceding the communion, by act of the session, expelled the societies, for having thus testified their disapprobation of the Rev. John N. McLeod officiating in the session and in the public worship of God, while under suspension. This act included besides the elders named, three deacons, viz. A. Bowden, John Culbert, James Thomson, and a large number, amounting, as in the event has appeared, to a majority of the whole congregation in full communion.

“4. That four of the elders and deacons of that congregation, were libelled and cited before session, on December 26, 1832, on vexatious and unfounded charges, and without the form of a trial, while session was unlawfully constituted by a suspended minister of the gospel, and in a manner marked by evident irregularity and departure from the forms usually observed in the discipline of God's house, had their names struck from the rolls as officers and members of the congregation, and were themselves cut off from the fellowship of the Church. The names of these elders and deacons, are Hugh Galbraith, William Cowan, James Thompson, and Andrew Bowden, the first two ruling elders, and the last two, deacons.

“5. That these transactions were accompanied by other acts of a disorderly nature, such as the exclusion of members from fellowship meetings, without the authority of any known deed of session, or form of trial proceeding, and the admission of William C. Beattie, to the sacrament of the Lord's supper, while debarred from Church privileges by deed of the Presbytery, at its session in Newburgh.

“All these facts, your committee find fully substantiated by the various evidence contained in your minutes, taken in the long and laborious investigation which was on yesterday closed in your court.

“They therefore recommend to your adoption, the following resolutions, as measures, unavoidably imposed upon Presbytery, in the extraordinary circumstances produced by complicated irregularity, disorder, and violence—and in which, although, your committee deem it proper to avoid any immediate proceedings, or adopting any acts of censure, which the conduct of the offending parties might justify, they have recommended, what justice and imperative duty appear to require, in extending redress to the oppressed and injured members of that congregation, both officers and private members.

“Resolved 1, That this Presbytery, bound as all inferior courts are, to submit to the act of the Eastern Sub-Synod, suspending the Rev. John N. McLeod from the exercise of the office of the holy ministry, till that act be removed by a superior court, are bound to maintain the authority of that court in the inferior judicatories, subject to their jurisdiction.

“2, That they therefore do reverse, and hereby declare re-

versed, all decisions and acts of the minister and elders of the Chambers-street congregation removing from office, or excluding from communion, for bearing testimony against, and refusal to acknowledge the ministry of John N. McLeod, while under suspension—the following elders and other members of that congregation, viz. Hugh Galbraith, William Acheson, and William Cowan, ruling elders, together with their adherents among whom are John Culbert deacon, and all the private members who were excluded from the communion by session, on Friday the 1st of December before the last sacrament in that church—also Andrew Bowden and James Thompson, deacons, who together with the aforesaid H. Galbraith and Wm. Cowan, ruling elders were, although the libel against them before session related to other matters, by session on the 26th of December 1832, for the same reasons cut off from church membership, and had their names stricken from the rolls.—The Presbytery by this act, restoring said elders and deacons to the full exercise of their respective offices in said congregation, and all the power thereof as possessed and exercised before their exclusion or removal by the session; and all the members aforementioned to the full enjoyment of their privileges, as members in full communion and regular standing in the church, as they were before the act of exclusion herein referred to, or any act immediately arising out of their refusal to acknowledge the ministry of John N. McLeod while under suspension.

“3 That the Presbytery deeply sympathizing with these officers and members of the Reformed Presbyterian Church, who have been wronged by the oppressive act, from which we have now relieved them, do earnestly recommend to them while in their present extraordinary circumstances, forsaken as it now appears, by their Pastor and several of the elders and deacons, who have by an act unprecedented in the annals of this church, attempted undutifully to withdraw from the jurisdiction of this Presbytery, nevertheless carefully to maintain the testimony to which they are bound by their solemn vows, to walk in the good order of the church of God, harmoniously to co-operate in promoting the interests of godliness, by a careful observance of the ordinances of the public, social and private duties of religion.

“4 That the Presbytery while they view with unmingled disapprobation, the irregular proceedings of the Rev. Dr. McLeod

and the officers of the Church, who have acted with him in the measures herein referred to, and leave him and them to the supervision of a superior court, before which these measures will undoubtedly in due season be arraigned, do at the same time, solemnly warn all under their care from being seduced to join in pursuing this disorderly career, and exhort such as are now under its unhappy influence, to consider in due season the pernicious consequences, and turn to follow with their brethren, the footsteps of the flock, the good old ways in which our fathers walked and found rest to their souls.

J. W. CHRYSTIE, Chairman of Com."

New-York, January 18th, 1833.

These two documents speak for themselves, and exhibit the whole business of the Presbytery, with a trifling exception.*— This exception consists in a protest against the decisions of the session, and of the board of deacons in Chambers-street, and an appeal to Presbytery, respecting the right of certain members to their seats in the session and in the board respectively, and which was referred to the stated meeting of Presbytery, in April next.

It will be seen by any impartial eye that shall view their measures, whether they shall be justly chargeable with violence and injustice, with indictive passions or personal malice. And es-

* It is perhaps proper to mention, that John Brown, ruling elder and member of Presbytery, after the adoption of the last Report given above, rose up and declared that he protested against its adoption. The Presbytery replied to Mr. Brown, that it was disorderly to protest against resolutions declarative of the sentiments of the court, and that, it had itself referred Dr. McLeod's case to Synod, and perceiving in this, nothing but a disgraceful attempt to destroy their votes when the case came before Synod, indignantly resisted his attempt and rejected his protest—he answered, that, he did not protest against what related to Dr. McLeod—his irregular and incoherent intention thus to bring disgrace upon the members of the court, and to embarrass an act of justice and mercy, in liberating the restored officers and members of Chambers-st, from the reckless censures which had been pronounced upon them—it is believed recoiled upon himself. He did not there declare what he protested against. After a recess of about two hours, when Presbytery had again convened to review and close its business, when a resolution had passed for final adjournment, and the moderator was about rising to close with prayer, Mr. Brown heretofore silent, now at this late moment, intimated that he had in Presbytery declared what he did not protest against, and now declared what he did protest against, viz. that part of the Report reversing the suspension of the elders and other members. Was he ashamed to mention this in the presence of the large auditory who were in the former instance attending the court, that he took the present hurried moment to mention it, or had he not previously been rightly informed of his work? His intimation was properly and necessarily disregarded.

pecially whether the members of that court have been eager to seize an occasion of pursuing such a course, or indulging in such passions with respect to Dr. Alexander McLeod. Such surmises and rumours they are aware have gone abroad, but it will be seen, that not one judicial act has been adopted respecting him—they have gone no further than the circumstances of the case and imperative duty required—to express these opinions and feelings on acts of an unprecedented character, to be silent on which would have been an act of injustice to public opinion and injured men: so far from desiring to meddle personally with Dr. McLeod, to call in question his past usefulness in the Church, or to obscure the reputation of his declining years, the members of the court aware from his present debilitated and afflicted state, that he may soon be called before a higher tribunal than can be instituted on earth protest before God, before the church and before the world, that they desire to leave all such events to Dr. McLeod and his own adherents—that they rejoice, that his own measures in combination with the Philadelphia Presbytery, have placed the whole business in such a train, that they, the members of the Southern Presbytery, are freed from its burden, and can with perfect order and propriety, refer it to a higher and more authoritative judicatory of the Lord's house. And they declare every allegation of a contrary nature equally detestable and false.

What remains can soon be told. After the adjournment of Presbytery and the dispersion of its members, several individuals of the congregation, applied to the Rev. Mr. Chrystie and Mr. Gibson for advice, as to the course they should take in obtaining supplies, which they could not obtain from Presbytery, no regular application for that purpose having been made, owing to their scattered and disordered state. By request of the elders and others of the congregation who had been restored, Mr. Chrystie consented to remain over the Sabbath, preach for them and attend to any other business in his power, which might contribute to place them in more orderly circumstances as a session, consistory and congregation, to which under all their circumstances, they were fully entitled. Not being bound by any special charge, he was certainly at liberty to act in preaching the gospel to a vacant section of the church to which he was invited, both by the elders and people: no act of the church prohibited: no known principles of ecclesiastical order, could hinder his promoting the peace, edification and order of a congregation, under the acknowledged care of the Presbytery to which he belonged. On the Monday evening following the Sabbath on which he preached, by request, he constituted the session in and by which the church members, who by their own subscription, declared their adherence to the Southern Presby-

tery, were recognized as the members of the Reformed Presbyterian Church, under the care and authority of session. At the same time a congregational meeting was held, before which, the proceedings of Presbytery at its late sessions were made known. And in conclusion, the consistory was regularly organized, according to the established order and discipline of that church. They now receive such supplies as Providence places within their reach, until the meeting of Presbytery shall more formally and fully attend to their wants.

We now conclude. It is not possible however to close this review of events, without being struck with the painful and disastrous consequences, which have been already developed, by the publication of the unhappy *original draft*, and the evidence that the principles it contains, subversive of the order and doctrine of the church, are working wherever their practical effects can find room, confusion, strife, division. It needs no long investigation to trace all the circumstances which have transpired since the meeting of Synod, and are here related to that document. And we would therefore respectfully, but earnestly appeal to our brethren, expostulate with them in the painful consequences, of further pursuing the maintenance of these principles. Shall we exhibit to the world and to the churches around, the lamentable spectacle of a small band, scattered with strife and dissension? shall we, shall any of us, be subjected to the odious imputation of having practiced for years, the base imposture upon our fellow men, of inculcating the belief, that the civil constitutions of the land of our adoption, or of our nativity, are not the ordinance of God, and therefore not binding on our conscientious subjection, and then, when we find the bonds of vows which we ourselves have imposed, too strait for our convenience, resolve upon a rupture, and abandoned the victims of our own imposture, to be held up before the public, as a disorderly insubordinate faction?—It is a fact which admits of no question, that the ministers of the Reformed Presbyterian Church, have for years held up the civil constitutions of the land as defective in many respects, and containing immoral principles, and by the neglect of acknowledging of God and his Christ as governor of the nations, and by the sanction of slavery exhibiting, how excellent soever in its features, a constitution not the ordinance of God, and therefore not binding on the conscientious subjection of christians. If there are some among us so base, as for the love of a little worldly gain or influence, to forsake their brethren and hold them to scorn, as fanatics, a disorderly faction. that they may bring upon them the displeasure of the government, or the suspicion and hatred of their fellow citizens, we will still hope that there may be some, who, in this unhappy change of principle, may ignorantly be actuated

by better motives, and will evince by their moderation, that they are honestly intended to promote the same end they once designed, and equal good by other measures. To both we say, and we firmly believe, that there is yet a considerable majority of the ministers and people of the Reformed Presbyterian Church who will join us—we say brethren, we cannot go with you in your change—we have sworn to the Lord and do not mean to turn back—we have bound our souls by an oath to him, in communion with the whole church, and as we shall find mercy we will not violate that oath—we still believe, that the flagrant and daring neglect of God and Christ, and his law in the constitution of our land—a land which we love as the land of our nativity, or as the place of our refuge from foreign misrule—is still a sin which calls for repentance, and amendment—that the slavery of millions of our fellow creatures is a flagrant violation of God's law, and contradiction to the fundamental principles of our own government—and while there exist we hold ourselves bound to withhold our approbation and sanction, preferring to all worldly honour and emolument, our sole allegiance to our blessed Redeemer and King, the Lord Jesus Christ. If we shall be reproached by our brethren, and held up as the objects of suspicion to our fellow citizens—we trust we shall, by studying to keep aloof from political strife and ambition, by an honest quiet and orderly conversation, receive the support of the faithful, and show to the world that we aim at nothing inconsistent with a godly and upright life: and that through the mercy of our God and Saviour, in consistency and an honest adherence to vows the most solemn, and in an upright endeavour to do good to all, we shall find as much acceptance with our fellow citizens and promote the glory of our God, as those who make louder professions.—And if contrary to all reasonable expectations, we shall meet with ecclesiastical censures and civil privations, shall see our Zion a desolation, and be defeated in desires which we entertain in common, with a large proportion of our brethren—we can only say, “thy will be done, on earth as it is in heaven—O let not the oppressed return ashamed: let the poor and needy praise thy name: Arise O God and plead thine own cause.”

JAMES CHRYSTIE,

Minister of the Gospel, residing at Lebanon, N. J.

ROBERT GIBSON,

Pastor of Sixth-street Church, New-York.

MOSES RONEY,

Pastor of Ref. Pres. Church, Newburgh,

New-York, February 3rd, 1833.

(Reported for the Journal of Commerce.)

CASE OF THE REFORMED PRESBYTERIAN CHURCH,

CHAMBERS-STRET.

IN CHANCERY—MONDAY, FEB. 4, 1833.

Before the Vice Chancellor.

THE decision of the Vice Chancellor in the above case, the outlines of which appeared in our publication of Saturday last, was delivered before a crowded Court on Monday morning. His Honor, after recapitulating the nature and charges of the Bill on which the application for an Injunction had been founded, proceeded to deliver his decision in substance as follows.

Before proceeding to examine the grounds on which the injunction is asked for, it is necessary to state how far this Court can take cognizance of the case, and upon what principles and to what end its jurisdiction can be invoked. The Reformed Presbyterian Church or Congregation of Chambers-st. is a corporate body, originally founded and afterwards incorporated by a law of the State for religious and charitable purposes—the property, or temporalities, being managed by persons constituting the Consistory, who are also Trustees. Over *them* and the property as a *trust estate* in their hands, this Court has jurisdiction. It takes cognizance of the case for the purpose of preventing any abuse of the trusts; of compelling the Trustees to discharge their duty fairly with respect to the property—of removing them from the trust if necessary—of preserving the property and appropriating it to the original objects of the institution—and in short, of seeing that the trusts are faithfully executed. Upon this principle and to this end, the jurisdiction and power of the Court are exerted. It is a common law power inherent in this Court. Superadded, are certain powers conferred by Statute over corporations and the directors or managers, but which do not extend to any *religious corporation*. 2 R S. 462 and 466. Sec. 57. Except in connection with the property of temporalities of a religious society, whether *incorporated* or *not*, and upon the principle just stated, this court has no jurisdiction and cannot interfere. In reference to their spiritual concerns, their church government and discipline, their faith, doctrines and modes of worship, this Court has nothing to do. These are matters which must be left to the regulation of their own peculiar tribunals, the Ecclesiastical Indicatives of each church. Nor will this Court interfere to restrain the free exercise of religion in any man according to the dictates of his own conscience. It disclaims all such power and authority. At the same time, it must be admitted that this Court has power to enquire, and it may sometimes be under the necessity, however painful and difficult the task, of enquiring into the religious opinions of men, so far as they are openly and publicly expressed, for the purpose of restraining them in the exercise of public worship according to their opinions, in a *particular*

place: but this can only be done where the Court is called upon to execute or to administer a trust. As for instance, where a religious society is formed, and a place of worship provided, and either by the Will of the Founders the Deed of trust under which the title is held, or by the charter or act of incorporation, it is declared that a particular doctrine is to be preached in that place—that the place is devoted to a particular *mode of worship*, in such case it is not in the power of the *Trustees* of the congregation to depart from what is thus declared to be the object, and to teach new doctrines and set up a new mode of worship there, at least without the consent of every individual member of the church or congregation; because such a departure would be an *infraction* of the *Will* of the *Founder*, and a perversion of the original object and design of the institution. Upon the complaint of any party aggrieved, it may be the duty of this Court to enquire into the doctrines taught, with a view to ascertain whether there is such a departure, and to restrain and bring them back to the original principles of faith and doctrine, if they will continue to worship in that place. This has repeatedly been done by the Court of Chancery in England. *Davies and Jenks*, 3 Ves. and B. 151; *Attorney General vs. Pearson* 3 Mer. 352.; *Foley vs. Wontner*, 2 Jac. and W. 245. In the last case, Lord Eldon acknowledged the difficulty as to the course to be pursued, when the doctrines which it was originally matter of agreement should be inculcated, were not agreed to by *all* the congregation—some of them having changed their religious opinions—but he took it to be settled by a case in the House of Lords, on appeal from Scotland, that the Chapel or Place of Worship must remain devoted to the doctrines originally agreed on. It is to be observed that there is nothing in the exercise of this power to restrain the *liberty of conscience*. Those who change their opinions may *secede*, and form a new Congregation or Society, and worship elsewhere in the way which may best serve their own opinions.

Having explained the views which I entertain of the jurisdiction and authority of this Court in relation to matters of this sort, I proceed to examine the grounds on which it is sought to bring the present case under its cognizance.

The first ground alledged in the original Bill, is the obtaining the special act of incorporation for the Church, contrary to the established doctrines of the same.—Much has also been said as to the impropriety of the manner in which it was obtained. This ground entirely fails the complainants. It is shown that there was no impropriety in it, since it is expressly averred by the affidavits, that, it was procured by the consent of the Elders and Deacons, and that the Complainants themselves were instrumental in obtaining the Act of Incorporation. But were it otherwise, this Court could not interfere. It was an *Act of the Legislature* granting a *franchise* not to be disturbed except for a violation of its terms. If improperly obtained, the remedy must be sought elsewhere.

The next ground is, that the Rev. John N. McLeod was permitted to officiate as minister by the authority of the Defendants against the will and remonstrance of the Complainants. It is contended that he, having been suspended by the directions of the Eastern Synod, could not lawfully be permitted to officiate, or to be a Trustee; (that is, one of the Consistory), That

therefore it was necessary for this Court to interfere in relation to the territorialities. His Hon. here proceeded to recapitulate the circumstances which resulted in this suspension as given in our report; he, Mr. J. N. McLeod, being at the time not the settled minister of the Church, but merely the officiating minister in the place of his father. His Honor proceeded—much depends on the effect of the said suspension. It is stated to be irregular; that the suspension operates against Mr. J. N. McLeod only as *Clerk*;—that it was merely a *resolution*, and not a *sentence*;—that it has been disapproved and regarded as a nullity by the Western Presbytery to which he belonged—also by the Philadelphia Presbytery under whom the Church was subsequently placed. It is also shown to be in a train of investigation before the higher judicatures of the Church. On the other hand, it appears that the suspension has been approved by the Southern Presbytery, within the bounds of which the Church was contained, and that they have justified the Complainants in adhering to and being governed by that act of the Synod.

Under these circumstances and seeing that the result of the investigations in the Higher Ecclesiastical Tribunals is yet uncertain, it can hardly be expected of this Court to come to a decision upon them now. As these are questions of Church Government and Discipline, it is proper and discreet that the Court should wait for the final result of this investigation. It will then be fully competent to decide on the matters before it.

Another subject which has given rise to much discussion is the pastoral letter published in pamphlet form. I shall not go into this enquiry at present, nor attempt to settle the questions arising from it. It is unnecessary for the purposes of the present motion. His Honor here took occasion to speak in terms of high encomium on the eloquence which had been displayed in this part of the case by the counsel on both sides—an eloquence, he was pleased to say, which had never been surpassed, if indeed equalled, in this Court.

His Honor then entered at some length into the matters contained in the supplemental Bill—the exclusion of a portion of the ruling Elders and Deacons of the Church by a vote of censure of the Session—their subsequent petition to be received under the jurisdiction of the Philadelphia Presbytery—the subsequent transfer of Chambers-street Church, its congregation, &c. from the bounds of the Southern Presbytery to that of Philadelphia, the delegation from Philadelphia coming to this city, at their request, for the appointment of a Pastor—the election and installation of Mr. J. N. McLeod as Associate and successor accordingly—the arrest of those who undertook to remonstrate, and the proceedings subsequent thereto. Thus again, said His Honor, it appears that all these proceedings are liable to be brought under review of the higher Judicatories of the Reformed Presbyterian Church. And in relation to these, as well as the suspension, I think I must wait the result, before I undertake to decide definitively, whether John N. McLeod is to be regarded as one of the regular Consistory and Trustees, and whether the adherents in the Consistory have forfeited their right to be thus regarded. The General Synod, when they convene, must certainly possess competent authority to correct whatever abuses or irregularities may have occurred in any part of those transactions. I can only lament, in common with the friends of religion, every where, that they should have happened. The cause of religion general-

ly suffers by such feuds and schisms. And it is to be hoped that when those matters come to be investigated where I shall leave them for the present to be investigated, the parties now before me may forget their asperities towards each other, and that they may again be united as they hitherto have been, in the bonds of christian fellowship. In the mean time I shall interfere to a certain extent. It is not right, under present circumstances, that one party should have the entire use of the temporalities of the Church, to the exclusion of the other. So long as they continue to disagree, and until the questions which agitate this Congregation can be determined by the general Synod, I shall order that the complainants and their adherents be permitted to use and occupy the Church one half of the time—that is, alternately with the Defendants and their adherents. That each be at liberty to employ such person to officiate as minister as they may think proper, and that the defendants be enjoined from disturbing the complainants in such use and enjoyment of the temporalities of the Church. If necessary, a receiver of the income and pews rents can be appointed, to be held subject to the further order of this court.

Another branch of the case is the accompanying motion for an attachment for violating the temporary injunction of this court. I am satisfied that there has been a literal violation of the injunction especially on the part of the Rev. Mr. John N. McLeod, in suffering himself to be elected. The other Defendants too went on to pay him, and by their acts of election employed him in the service of that church. It is stated that this violation was unintentional. I am bound to give credit to it—and although there was a violation, still, considering that no damage resulted, and that it was unintentional, I am disposed to overlook it. I do not know that there is any circumstance connected with it requiring censure or punishment. If any loss had been sustained, it would have been the duty of this court to see it made good; but since no injury has accrued, except what might easily be corrected hereafter, I shall pass the matter over. I therefore make no further order, except that the defendants pay the costs, if application to that effect be made by the opposite party.